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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,330	03/16/2001	Anthony Carmen Gallo	11509-12	5358

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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,330

Applicant(s)

GALLO ET AL

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,14,16,26-36 and 38-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 14, 16, 26-36, 38-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The Terminal Disclaimer and Amendment filed 6/23/04 have been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 14, 16, 26, 27, 30, 35, 36, 39, 40, 41, 42, 46, 47, 48, and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Dalal et al (6363404).

4. Regarding claim 1, Dalal et al show a user interface for a computer having: a plurality of portals containing content (Figure 3), said portals arranged in three dimensional graphical representation wherein for each portal an application permits user interaction with the associated content (Figures 3, 4A, 9, column 2 lines 9-15, column 9 lines 20-40).

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5. Regarding claim 2, Dalal et al show user input to rotate the interface on axes, with at least one of a constraint means and control means for the rotation (column 7 lines 45-50).

6. Regarding claim 14, the interface may be projected onto a two dimensional display (Figure 9, column 9 lines 57-62, column 6 lines 62-67).

7. Regarding claim 16, the three dimensional user interface is displayed (Figure 3, column 6 line 67).

8. Regarding claim 26, a portal is selected to be made active, based on proximity to a reference point (column 2 lines 7-30, column 8 lines 54-67).

9. Regarding claim 27, the selected portal is positioned proximate the middle of the screen and upright (column 9 lines 15-35).

10. Regarding claim 30, the interface may be constrained from rotating faster than a predetermined speed (automatic set speed, column 7 line 47).

11. Regarding claim 35, a plurality of interactions are recorded and executed on the interface (column 7 lines 40-63).

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12. Regarding claim 36, the representation may be a sphere (column 8 lines 20-22).

In that situation, a portal will be at a cap of the sphere and since it may be rotated (column 7 lines 45-50), these may be polar caps.

13. Regarding claim 39, the interface transmits and receives data with another remote interface through a network (column 5 lines 27-45).

14. Regarding claim 40, the interface controls operation of a remote interface over a network (column 5 lines 27-45).

15. Regarding claim 41, the interface is controlled by a remote interface (column 5 lines 27-45).

16. Regarding claim 42, data is imported into the interface from a data source represented in hierarchical form (column 5 lines 27-45, column 6 lines 50-60).

17. Regarding claim 46, the interface is displayed in a window having substantially the same shape as a cross section of the interface (which may simply be a rectangle, see Figure 3).

18. Regarding claims 47 and 48, content in the remote interface and a remote data portal is updated when content in the portal is changed (column 5 lines 27-45).

19. Regarding claim 49, a web page is searched and displayed in the portal corresponding to a user designated web address (column 6 lines 35-57).

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 28, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalal et al (6363404) and Noettling (6710783).

22. Regarding claim 28, Dalal et al do not specifically go into the details that the interface is prevented from rotating to an upside down position, but do mention efficient control of interface rotation. Furthermore, Noettling shows a constraint means to prevent the interface from rotating to an upside down position, for efficient control of interface rotation (column 4 lines 25-50 and column 5 lines 15-30. The result of both pivot actions may be used to prevent the interface from just reaching an upside down position). It would have been obvious to a person with ordinary skill in the art to prevent the interface in Dalal et al from rotating to an upside down position, because it would allow efficient control of interface rotation (by being able to stop it before reaching an upside down position is an added technique to help efficiently control rotation).

23. Regarding claim 29, Dalal et al do not specifically go into the details that the interface is prevented from rotating on one axis while being allowed to rotate on another, but do mention efficient control of interface rotation. Furthermore, Noettling shows a constraint means to prevent the interface from rotating on one axis but allowing it to rotate on another, for efficient control of interface rotation (column 4 lines 30-50). It would have been obvious to a person with ordinary skill in the art to have this in Dalal et al, because it would allow efficient control of interface rotation.

24. Regarding claim 31, Dalal et al do not specifically go into the details that the interface rotation direction is reversed when rotating, but do mention efficient control of interface rotation. Furthermore, Noettling shows a constraint means to reverse interface rotation direction when rotating, for efficient control of interface rotation (column 4 lines 30-50). It would have been obvious to a person with ordinary skill in the art to have this in Dalal et al, because it would allow efficient control of interface rotation.

25. Claims 32, 33, 34, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalal et al (6363404) and Minakuchi et al (6628313).

26. Regarding claim 32, Dalal et al do not specifically go into the details that the speed of rotation depends on the position of a cursor relative to the edge of the interface, but do mention efficient control of interface rotation. Furthermore, Minakuchi

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et al show a constraint of the speed of rotation depending on the position of a cursor relative to the edge of the interface, for efficient control of interface rotation (column 15 lines 20-45). It would have been obvious to a person with ordinary skill in the art to have this in Dalal et al, because it would allow efficient control of interface rotation.

27. Regarding claim 33, Dalal et al do not specifically go into the details that the direction of rotation depends on the position of a cursor relative to a point on the interface, but do mention efficient control of interface rotation. Furthermore, Minakuchi et al show a constraint of the direction of rotation depending on the position of a cursor relative to a point on the interface, for efficient control of interface rotation (column 9 lines 9-35). It would have been obvious to a person with ordinary skill in the art to have this in Dalal et al, because it would allow efficient control of interface rotation.

28. Regarding claim 34, in addition to that said for claim 33, note that the point in Minakucji et al may be the center point (column 9 lines 9-35).

29. Regarding claim 38, Dalal et al do not specifically show the text index for navigating the interface, but do show efficient navigation of the interface (column 6 lines 35-45). Furthermore, Minakuchi et al do show text index based navigation of a content base interface (column 9 lines 40-60) for efficient navigation of the interface. It would have been obvious to a person with ordinary skill in the art to have this in Dalal et al, because it would allow efficient navigation of the interface

30. Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dalal et al (6363404) and Goh (5678015).

31. Regarding claims 43 and 44, Dalal et al do not specifically mention that objects may be dragged from one portal to another, but do mention efficient transferring of data within the interface. Furthermore, Goh shows objects which may be dragged from one layer of an interface to another (one desktop to another, column 2 lines 62-65, column 9 lines 35-67) for efficient transferring of data within the interface. It would have been obvious to a person with ordinary skill in the art to have in Dalal et al that objects may be dragged from one portal "layer" to another, because it would allow efficient transferring of data within the interface.

32. Regarding claim 45, Dalal et al do not specifically mention that objects may be dragged from an application to a portal, but do mention efficient transferring of data within the interface. Furthermore, Goh shows objects which may be dragged from one layer of an interface to another (one desktop to another, column 2 lines 62-65, column 9 lines 35-67. This includes application icons) for efficient transferring of data within the interface. It would have been obvious to a person with ordinary skill in the art to have in Dalal et al that objects may be dragged from an application to a portal layer, because it would allow efficient transferring of data within the interface.


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33. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Note though that the double patenting rejection has been removed.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 571-272-4072. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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STEVEN SAX
PRIMARY EXAMINER